

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

TERI LEA EVENSON-CHILDS,
DANIEL O'TOOLE, RICHARD
CHURCHILL, and KEITH
LEONARD, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

RAVALLI COUNTY,

Defendant.

CV 23–89–M–DLC–KLD

ORDER

Before the Court is Plaintiffs' Unopposed Motion for Voluntary Dismissal of Class Representative Teri Evenson-Childs. (Doc. 91.) Plaintiff Evenson-Childs was appointed as one of four class representatives on March 21, 2023. (Doc. 79.) Plaintiff Evenson-Childs has not fully participated in the discovery process and is not able to proceed as a named plaintiff. (Doc. 91 at 2.) Plaintiffs argue a dismissal of Evenson-Childs as a class representative is proper pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure because three other plaintiffs will remain as class representatives, and Plaintiff Evenson-Childs's withdrawal from class representation will not have an adverse effect on the representation of the class. (*Id.*) Defendant does not oppose. (*Id.*)

Rule 41(a)(2) allows a court to dismiss an action at the plaintiff's request unless a defendant shows it will suffer legal prejudice as a result. *Waller v. Financial Corp. of America*, 828 F.2d 579, 583 (9th Cir. 1987). Considering Defendant's lack of opposition, and for good cause shown, the Court finds that dismissal as to Plaintiff Evenson-Childs's class representation is proper.

Accordingly, IT IS ORDERED that the motion (Doc. 91) is GRANTED. Plaintiff Evenson-Childs shall no longer serves as a class representative in this action. Plaintiff Evenson-Childs will remain a member of the class and will be bound by any decree of settlement in this action.

DATED this 20th day of November, 2023.



Dana L. Christensen, District Judge
United States District Court